

# WORKSHOP

## Consideration Of Lobbyist Regulation

1:00 - 3:00 p.m.

Tuesday, September 11, 2007


Leon County Board of County Commissioners  
Chambers, 5th Floor, Leon County Courthouse

This document distributed: September 5, 2007

## Board of County Commissioners

### Workshop Item

Date of Meeting: September 11, 2007  
Date Submitted: September 5, 2007  
To: Honorable Chairman and Members of the Board  
From: Herbert W. A. Thiele, Esq.  
County Attorney  
Subject: Workshop on Consideration of Lobbyist Regulation



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#### **Statement of Issue:**

This item provides information to the Board for its consideration of additional lobbyist regulations.

#### **Background:**

On February 10, 2004, the Board of County Commissioners adopted revisions to the County Code of Ethics, which were designed to regulate persons identified as "lobbyists" that come before the Board (See Policy 03-05, Attachment # 1). Essentially, the revisions focused on provisions requiring lobbyists to register as such with the Clerk of the Board. At the Board of County Commissioners meeting of January 23, 2007, the Board directed the County Attorney's Office to propose revisions to the existing lobbyist registration requirements, and thereafter requested a workshop be conducted concerning the regulation of lobbyist activities.

#### **Analysis:**

The current provisions as set forth in Leon County Policy No.03-05, titled "Code of Ethics," requires registration and disclosure of *clients* for those persons who appear before the Board of County Commissioners and are otherwise deemed to be "lobbyists" pursuant to the definition in the policy, as set forth below:

#### XVI. "Lobbyist" means:

- A. Any natural person who, for compensation, seeks, or sought during the preceding twelve months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

- B. A person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.
- C. A person who registers with the Clerk of the Board of County Commissioners as lobbyist pursuant to Section 8 of this policy.

Many other local governments throughout the state of Florida likewise have provisions which regulate lobbyists (including having those provisions set forth in an ordinance rather than policy), such as requiring lobbyists to "sign in" before meetings with Commissioners and with staff, requiring expense reports, and imposing sanctions or fines for noncompliance.

The County Attorney's Office has drafted a proposed ordinance (Attachment # 2) setting forth all of the above-criteria (for selection of all or some by the Board) and which would replace the provisions in existing Policy 03-05 setting forth the current lobbyist regulations.

During the County Attorney's research of this matter, our office also obtained a chart which was compiled by the Florida Association of Counties on behalf of the Florida Association of County Attorney's which indicates the various counties that have current lobbying ordinances or policies and the nature of their regulations (Attachment # 3).

Attached is a proposed lobbyist reform ordinance submitted by Common Cause Florida and the League of Women Voters of Tallahassee (Attachment #4).

**Options:**

- 1. Direct the County Attorney's Office to agenda for public hearing the proposed lobbyist regulatory ordinance.
- 2. Do not direct the County Attorney's Office to agenda for public hearing the proposed lobbyist regulatory ordinance.
- 3. Board direction.

**Recommendation:**

Option #3.

**Attachments:**

- 1. Leon County Board Policy 03-05 entitled "Code of Ethics."
- 2. Proposed Lobbyist Regulatory Ordinance.
- 3. Chart compiled by the Florida Association of Counties.
- 4. Alternative Proposed Lobbyist Regulatory Ordinance.

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**Board of County Commissioners**  
Leon County, Florida

Policy No. 03-05

Title: Code of Ethics  
Date Adopted: February 10, 2004  
Effective Date: February 10, 2004  
Reference: Chapter 112, Florida Statutes  
Policy Superseded: Amending Policy No. 03-05, "Code of Ethics," adopted March 18, 2003;  
Superseding Policy No. 02-08, adopted July 30, 2002

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Policy No. 03-05, Code of Ethics, adopted by the Leon County Board of County Commissioners on March 18, 2003, is hereby amended to read as follows:

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that this policy shall apply to the members of the Board of County Commissioners and its employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners.

**Section 1. Code of Ethics.**

This Policy shall be known as the Leon County Code of Ethics.

If any word, phrase, clause, section or portion of this policy shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

This policy shall take effect upon being approved by a majority vote of the Board of County Commissioners.

**Section 2. Intent and Purpose.**

The proper operation of County government requires that County Commissioners be independent and impartial; that County policy and decisions be made through established processes; that County Commissioners not use public office to obtain private benefit; that County Commissioners avoid actions which create the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its County government and County Commissioners.

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**Section 3. Acknowledgment.**

All County Commissioners, upon taking their oath of office to their current term and all current County Commissioners within ten (10) days of the passage hereof, shall submit a signed statement to the County Attorney acknowledging that they have received and read the Leon County Code of Ethics, that they understand it, and that they are bound by it.

All candidates for County Commission, upon qualifying to run for that office, shall submit a signed statement to the Clerk to the Board located at the Clerk of Court's Office, Finance Department, 2<sup>nd</sup> Floor, 301 South Monroe Street, Tallahassee, Florida 32301, acknowledging that they have received and read the Leon County Code of Ethics, that they understand it, and that they shall be bound by it upon election to office.

**Section 4. Interpretation, Advisory Opinions.**

When in doubt as to the applicability and interpretation of the Leon County Code of Ethics, any County Commissioner may request an advisory opinion from the County Attorney's Office. The County Attorney's Office shall keep a file, open to the public, of all written opinions issued and submit a copy of each opinion rendered to every County Commissioner.

Any County Commissioner may request a review by the Board of County Commissioners of any advisory opinion within thirty (30) days of its issuance or it shall become final. A majority vote of the Board of County Commissioners shall be the final determination of said opinion.

**Section 5. Definitions.**

- I. "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.
- II. "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.
- III. "Breach of the public trust" means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.

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- IV. "Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.
- V. "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.
- VI. "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.
- VII. "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.
- VIII. "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
- IX. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.
- X. "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.
- XI. "Facts materially related to the complaint at issue" means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.

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## XII.

A. "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of indebtedness.
7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
8. Food or beverage.
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

B. "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

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2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
  3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
  4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
  5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
  6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
  7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
  8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.
- C. For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b), Florida Statutes.
- D. For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.
- XIII. "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.
- XIV. "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability



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which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

- XV. "Lobbying" means influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication or an attempt to obtain the good will of a member of the Board of County Commissioners, a member of a Leon County advisory board or a quasi-judicial board, a County Commission Aide, the County Administrator, the County Attorney, the Assistant County Administrator, a Group Director, the Director of Purchasing, the Chief Building Inspector, or other employees who have binding administrative authority.
- XVI. "Lobbyist" means:
- A. Any natural person who, for compensation, seeks, or sought during the preceding twelve months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.
  - B. A person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.
  - C. A person who registers with the Clerk to the Board of County Commissioners as a lobbyist pursuant to Section 8 of this policy.
- XVII. "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.
- XVIII. "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

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- XIX. "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.
- XX. "Parties materially related to the complaint at issue" means any other public officer or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.
- XXI. "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.
- XXII. "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.
- XXIII. "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.
- XXIV. "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.
- XXV. "Source" means the name, address, and description of the principal business activity of a person or business entity.
- XXVI. "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

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Section 6. Standards of Conduct.

- I. Definitions. As used in this Section, unless the context otherwise requires, the following terms shall be defined as follows:
  - A. "County Officer" shall include any person elected or appointed to hold office in the Leon County government, including any person serving on an advisory body.
  - B. "County Commissioner" shall include any member of the Leon County Board of County Commissioners.
  - C. "County Employee" shall include any person employed by the Leon County Board of County Commissioners.
- II. Solicitation or Acceptance of Gifts. No County Officer or County Employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the County Officer, County Employee, local government attorney, or candidate would be influenced thereby.
- III. Doing Business with One's Agency. No County Employee acting in his or her official capacity as a purchasing agent, or County Officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the County Officer or County Employee or the County Officer's or County Employee's spouse or child is an officer, partner, director, or proprietor or in which such County Officer or County Employee or the County Officer's or County Employee's spouse or child, or any combination of them, has a material interest. Nor shall a County Officer or County Employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the County. This subsection shall not affect or be construed to prohibit contracts entered into prior to:
  - A. October 1, 1975.
  - B. Qualification for elective office.
  - C. Appointment to public office.
  - D. Beginning public employment.
- IV. Unauthorized Compensation. No County Officer or County Employee or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such County Officer, or County Employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the County Officer or County Employee was expected to participate in his or her official capacity.

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- V. **Salary and Expenses.** No County Commissioner shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a County Officer, as provided by law. The County Attorney shall not be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.
- VI. **Misuse of Public Position.** No County Officer or County Employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31, Florida Statutes.
- VII. **Conflicting Employment or Contractual Relationship.**
- A. No County Officer or County Employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, Leon County, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall a County Officer or County Employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.
- If the Leon County Board of County Commissioners exercises regulatory power over a business entity residing in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a County Officer or County Employee shall not be prohibited by this subsection or be deemed a conflict.
- B. This subsection shall not prohibit a County Officer or County Employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.
- VIII. **Disclosure or Use of Certain Information.** No County Officer or County Employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

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- IX. Post-Employment Restrictions; Standards of Conduct. No County Officer or County Employee shall personally represent another person or entity for compensation before Leon County Board of County Commissioners for a period of 2 years following vacation of office.
- X. County Employees Holding Office.
- A. No County Employee shall hold office as a member of the Leon County Board of County Commissioners while, at the same time, continuing as a County Employee.
- B. The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.
- C. Exemption. The requirements of Subsection III, "Doing Business With One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship," as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing entity and full disclosure of the transaction or relationship by the appointee to the appointing entity. In addition, no person shall be held in violation of Subsection III, "Doing Business With One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship" if:
1. Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.
  2. The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:
    - a. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder.
    - b. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
    - c. The official, prior to or at the time of the submission of the bid, has filed a statement with the County.

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3. The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.
4. An emergency purchase or contract which would otherwise violate a provision of Subsection III, "Doing Business with One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship," must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.
5. The business entity involved is the only source of supply within the political subdivision of the County Officer or County Employee and there is full disclosure by the County Officer or County Employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.
6. The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.
7. The fact that a County Officer or County Employee is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of Leon County, provided it appears in the record that the Board of County Commissioners has determined that such County Officer or County Employee has not favored such bank over other qualified banks.
8. The County Officer or County Employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with Leon County.
9. The County Officer or County Employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of Leon County and:
  - a. The price and terms of the transaction are available to similarly situated members of the general public; and
  - b. The County Officer or County Employee makes full disclosure of the relationship to the Board of County Commissioners prior to the transaction.

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- XI. Additional Exemption. No County Officer or County Employee shall be held in violation of Subsection III, "Doing Business With One's Agency," or Subsection VII, "Conflicting Employment or Contractual Relationship," if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with Leon County, and:
- A. The County Officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;
  - B. The County Officer has in no way participated in the County's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with County Officers or County Employees, or otherwise; and
  - C. The County Officer abstains from voting on any matter which may come before the Board of County Commissioners involving the officer's employer, publicly states to the assembly the nature of the County Officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143, Florida Statutes.
- XII. Non-Interference in County Real Estate Transactions. The following provisions are intended to assure the integrity of the competitive bidding process is preserved, agreements are negotiated at arms-length and consistently enforced, and that no County Commissioner utilizes his or her position or any property within his or her trust, to secure a special privilege, benefit, or exemption for himself, herself, or others.
- A. Definitions. As used in this subsection, unless the context otherwise requires, following terms shall be defined as follows:
    - 1. "County Real Estate Transaction" shall include any existing or proposed real estate transaction in which Leon County is involved as either a buyer, seller, lessee, lessor, or is otherwise involved as a party.
    - 2. "Communicate" or "Communication" shall include one-on-one meetings, discussions, telephone calls, e-mails, and the use of other persons to convey information or receive information.
    - 3. "Property Manager" shall mean the individual or entity retained by the Board of County Commissioners to lease and manage any County-owned property.

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B. Restricted Communication With Parties to County Real Estate Transactions.

1. No County Commissioner shall knowingly communicate with any individual or entity, or their employees, officers, or agents, involved as a party in any County Real Estate Transaction, unless the communication is:
  - a. Part of the transactional process expressly described in a request for bids or other such solicitation invitation;
  - b. Part of a noticed meeting of the Board of County Commissioners; or
  - c. Incidental and does not include any substantive issues involving a County Real Estate Transaction in which such individual or entity is a party.
2. Any Board member who receives a communication in violation of this sub-section shall place in the record at the next regular meeting of the Board of County Commissioners, the following:
  - a. Any and all such written communications;
  - b. Memoranda stating the substance of any and all such oral communications; and
  - c. Any and all written responses to such communications, and memoranda stating the substance of any and all oral responses thereto.

C. Restricted Communication With County Employees and Property Manager.

1. No County Commissioner shall directly or indirectly coerce or attempt to coerce the County Administrator, the County Attorney, any other County Employee, or the Property Manager, with respect to any County Real Estate Transaction.
2. In accordance with the Board of County Commissioners Policy No. 03-01 and the Leon County Administrative Code, the County Administrator or his designee shall be responsible for the management of any County-owned property, including the enforcement and termination of lease and license agreements. Except for the purpose of inquiry, County Commissioners shall not communicate directly or indirectly, give directions or otherwise interfere with these property management responsibilities.



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3. Any communication outside a noticed meeting of the Board of County Commissioners between a County Commissioner, or their Aide, and the County Administrator, the County Attorney, any County Employee, and/or the Property Manager, which communication involves a substantive issue in a County Real Estate Transaction, shall be summarized in writing no later than three (3) working days after the communication (the Communication Summary), as follows:
  - a. While it is preferred that the template provided on the County intranet is utilized for the Communication Summary, another form of effective written communication, such as e-mail, is acceptable.
  - b. The Communication Summary shall include, at a minimum, the name of the persons involved in the communication, the date of the communication, the subject matter of the communication, and the way in which the communication was ended. The Communication Summary may also include the remarks of the persons involved.
4. The completed Communication Summary shall be forwarded to the Chairperson of the Board of County Commissioners, unless the communication involved the Chairperson in which case it shall be forwarded to the Vice-Chairperson, and a copy of the Communication Summary shall be forwarded to the County Administrator and the County Attorney.

Section 7. Voting Conflicts.

- I. As used in this section:
  - A. "County Officer" includes any person elected or appointed to hold office in the Leon County government, including any person serving on an advisory body.
  - B. "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.
  - C. No County Officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2), Florida Statutes; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer. Such County Officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

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However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

- D. No appointed County Officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer, without first disclosing the nature of his or her interest in the matter.
1. Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
  2. In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
  3. For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.
- E. Whenever a county officer or former county officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

Code of Ethics  
Policy No. 03-05

1.02.1

**Section 8. Registration as Lobbyist**

All lobbyists shall, before engaging in any lobbying activities as defined under Section 5 of this policy, register with the Clerk to the Board located in the Clerk of Court's Finance Department, 2<sup>nd</sup> Floor, 301 South Monroe Street, Tallahassee, Florida. Every lobbyist required to so register shall register on forms prepared by the Clerk, pay an annual registration fee of \$25 and state under oath his or her name, business name and address, and the name and business address of each person or entity which has employed said registrant to lobby, as of the date of said registration. The registration shall be an annual registration and shall not require additional registration or amendment to the registration form by the lobbyist even if the lobbyist subsequently engages in lobbying for additional persons or entities. The purpose of the registration is merely to identify the registrant as a lobbyist. If, subsequent to the registration, the registrant ceases to act as a lobbyist, the registrant may file a request, on a form provided by the Clerk, to not be listed as a lobbyist. However, pursuant to Section 112.3148, Florida Statutes, said registrant shall continue to appear on the list of lobbyist until the expiration of the time period set forth in said statute. In the event that the registrant neither withdraws nor re-registers, the registrant shall be placed on a "lobbyist status unknown" list for a period of twelve (12) months from the expiration of the annual registration. The registration fee of \$25 is non-refundable.

Annual registration shall be required and shall initially commence on January 1, 2003. Thereafter, annual registration shall occur on or after October 1<sup>st</sup> of each year. Registration by lobbyist shall occur at any time during the calendar year provided that it occurs prior to the lobbyist engaging in any lobbying activity.

The registration fee required by this section shall be maintained by the Clerk to the Board and shall be deposited into a separate fund to be expended for the purpose of administering and maintaining the lobbyist registration list as well as to cover other related costs. Lobbyist shall not be charged a fee for filing the form for removal from the lobbyist list.

The following persons shall not be required to register as lobbyist:

1. Any public officer, employee, or appointee who only appears in his or her official capacity;
2. Law enforcement personnel conducting an investigation.
3. Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item.
4. Any person who only appears as a representative of a neighborhood association without special compensation or reimbursement for their appearance, whether direct, indirect or contingent, to express support of or opposition to any item.

**Code of Ethics**  
**Policy No. 03-05**

1.02.1

The Clerk to the Board shall keep accurate and complete records regarding lobbyist registration including an up to date list of all lobbyist registrations, lobbyist withdrawals from the list and a "lobbyist status unknown" list.

A registration form that is not renewed (along with payment of the \$25 annual registration fee) by October 1 of each year, shall expire and may not thereafter be relied upon by the lobbyist for lobbying activities.

If a lobbyist engages in lobbying activities (as defined under Section 5 of this Policy) without registering as a lobbyist, then the penalty for the first offense is that the lobbyist shall cease lobbying activities for a period of 30 days. Within one year of the first offense, if a lobbyist engages in lobbying activities a second time without registering as a lobbyist, then the penalty for the second offense is that the lobbyist shall cease lobbying activities for a period of 90 days. Within one year of the first offense, if a lobbyist engages in lobbying activities a third time without registering as a lobbyist, then the penalty for the third offense is that the lobbyist shall cease lobbying activities for a period of one year. The County Administrator, or his or her designee, is authorized to investigate any alleged violations of the provisions of this section, and to enforce the provisions of this section.

The validity of any action or determination of the Board or of any county personnel, board or committee, shall not be affected by the failure of any lobbyist to comply with the provisions of this section.

**Section 9. Use of Office for Political Campaigns or Personal Matters.**

Use of Leon County resources, including but not limited to material goods and the use of office staff and/or County personnel, for either political campaign purposes or other personal matters, is strictly forbidden.

**Section 10. Investigation and Prosecution of Alleged Violation of Code of Ethics.**

The investigation and prosecution of any alleged violation of this Code of Ethics shall be in accordance with the Florida Statutes or local ordinances, with the exception of the lobbyist registration provisions of Section 8, which shall be investigated and enforced in accordance with Section 8.

**Section 11. Conflicts Between this Policy and Florida Statutes.**

The Florida Statutes shall apply in the event of any conflict between this adopted policy and the Florida Statutes.

ORDINANCE NO. 07-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY ADDING A NEW ARTICLE XII TO BE ENTITLED "LOBBYIST REGULATIONS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to adopt an ordinance to provide for regulations of lobbyists who appear before Leon County government;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. Chapter 2 of the Code of Laws of Leon County, Florida, is hereby amended by adding a new Article XII entitled "Lobbyist Regulations," which shall read as follows:

**ARTICLE XII. LOBBYIST REGULATIONS**

**Sec. 2-700. Definitions.**

(a) *Lobbying* shall mean communications, whether written or oral, by a lobbyist outside a duly noticed public meeting or hearing on the record with any member or members of the Board of County Commissioners, or any member or members of any decision-making body under the jurisdiction of the Board, or any county employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the Board of County Commissioners, or any decision-making body under the jurisdiction of the Board, or which may be presented for consideration by a county employee as a recommendation to the Board or decision-making body.

(b) *Lobbyist* shall mean any person, firm, corporation or other legal entity, paid or unpaid, which, on behalf of another, engages in the activity of lobbying as defined in this article.

1 (c) *Paid Lobbyist* shall mean a person, firm, corporation or other legal entity which is  
2 employed and receives payment, or which contracts for economic consideration in any form for  
3 the purpose of lobbying, or a person who is principally employed for, or whose substantial duties  
4 pertain to, governmental affairs by another person or governmental entity to lobby on behalf of  
5 that other person or governmental entity and engages in the activity or lobbying as defined in this  
6 article.

7 (d) *Immediate Family* shall mean the lineal descendants, antecedent, and the  
8 collateral kin of a lobbyist to engage in lobbying.

9 (e) *Principal* shall mean the person, firm, corporation, or other legal entity which has  
10 arranged for a lobbyist to engage in lobbying.

11 (f) *Employee* shall mean:

12 (1) County administrator, deputy county administrator, assistant county  
13 administrator, and public works director;

14 (2) County attorney, senior assistant county attorney, and assistant county  
15 attorneys;

16 (3) Executive director of tourist development;

17 (4) Department directors or interim department directors, department deputy  
18 or interim deputy directors, division directors or interim division directors,  
19 division deputy directors, or interim division deputy directors, to also  
20 include the manager of public resources, veteran services, risk programs,  
21 and the equal opportunity office;

22 (5) All employees within the purchasing division and contracts office, with  
23 the exception of the secretarial staff.

(g) *Decision-making body* shall mean any body established by the Board of County

Commissioners.

**Sec. 2-701. Record-keeping responsibilities.**

County Commissioners and employees as specified above, who make regulatory decisions or recommendations to the Board of County Commissioners, shall be responsible for maintaining a written log which documents each oral lobbying communication or meeting with a lobbyist, whether paid or unpaid, held for the purpose of lobbying outside a duly noticed public meeting or hearing on the record. The written log shall be of uniform form (see Exhibit "A" attached hereto). Neither County Commissioners nor county employees shall be required to maintain a record of their contact with each other, while acting within the scope of their official capacities and duties. The log shall, at a minimum, reflect the name of the lobbyist, the date of the oral lobbying communication or meeting, and the subject matter discussed.

County Commissioners shall deliver their logs to the Board Secretary at the end of each quarter and at the conclusion of their final term in office. County employees, as designated above, must deliver their logs to the Board Secretary at the end of each quarter and upon the conclusion of their employment with Leon County. All lobbying logs must be in the form provided for in Exhibit "A," which is attached hereto.

Individuals who serve as members of advisory boards or advisory committees to the County, who are either volunteers or receive no compensation from the County for their services, are not required to maintain the logs described in this section.

All individuals subject to the requirements of this section must file lobbying logs as set forth above, regardless of whether any lobbying contacts are reported during any reporting period.

1

2 **Sec. 2-702. Annual registration of paid lobbyists.**

3 All paid lobbyists, as defined herein, shall register with the Clerk of the Court of the  
4 Board of County Commissioners on an annual basis, including payment of a \$25.00 fee for each  
5 principal so represented. Each unregistered, paid lobbyist shall register prior to the first occasion  
6 such unregistered, paid lobbyist engages in the activity of lobbying as defined in this article.  
7 Each person, firm, or other entity shall be required to register on forms prepared by the office of  
8 the Board Secretary. The paid lobbyist shall state under oath his or her name, business address,  
9 the name and business address of each principal represented, that the principal has actually  
10 retained the lobbyist, the general and specific areas of legislative interest, and the nature and  
11 extent of any direct business association or partnership with any current member of the Board of  
12 County Commissioners, County employee, or person sitting on a decision-making body created  
13 by Florida law and under the jurisdiction of the Board of County Commissioners. Each firm,  
14 corporation or other legal entity, may register in the name of such firm, corporation or legal  
15 entity, provided the registration shall list the names of all persons who may engage in lobbying  
16 as defined in this article. Failure to register, or any false information contained in the lobbyist  
17 registration form, shall be a violation of this Code (Section 1-9, Leon County Code of Laws).

18 **Sec. 2-703. Exemptions.**

19 The following persons are not lobbyists as defined in Section 2-700(b) and (c), and shall  
20 not be required to register as paid lobbyists or to keep records as paid lobbyists:

- 21 (a) Leon County employees discussing government business;  
22 (b) Law enforcement personnel conducting an investigation;



(c) Persons who communicate with Board members or employees in an individual capacity for the purpose of self-representation, or on behalf of family, without compensation or reimbursement;

(d) Persons who appear at public meetings or hearings and communicate on the record;

(e) Consultants under contract with Leon County who communicate with Commissioners or County employees regarding issues related to the scope of services in their contract;

(f) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are government employees principally employed for, or whose substantial duties pertain to, governmental affairs lobbying;

(g) Persons who make purely informational requests to a Board member, advisory board member, or employee with no intent to affect a decision or recommendation on any item; and

(h) Persons or representatives of organizations contacted by a Board member, advisory board member, or employee when the contact is initiated by that Board member, advisory board member, or employee in his or her official capacity in the normal course of his or her duties to obtain factual information only.

#### **Sec. 2-704. Validity of Action.**

The validity of any decision, action, or determination made by the Commission, advisory board or staff shall not be affected by the failure of any person to comply with the provisions of this article.

**Sec. 2-705. Quarterly Paid Lobbyist Statement.**

Each quarter, all paid lobbyists shall submit to the Board Secretary's office a signed statement under oath listing lobbying expenditures, total compensation provided or owed to the lobbying firm from all principals for the reporting period, the sources of the funds, and an itemization as to the amount expensed for each member of the Board of County Commissioners, a County employee, or any other person on a decision-making body under the jurisdiction of the Board of County Commissioners. Such statements shall also apply to any lobbying firm that subcontracts work to provide lobbying services. The statement shall be rendered on forms as provided by the Board and approved by the County Attorney.

**Sec. 2-706. Maintaining Registrations and Lobbying Statements.**

The Board Secretary of the Board of County Commissioners shall accept and maintain the paid lobbyist registrations, quarterly paid lobbying statements, and lobbying logs, which shall be open for public inspection.

**Sec. 2-707. Prohibited Conduct of County Officials and Employees.**

No County official or employee of Leon County shall solicit or accept as compensation, payment, favor, service, or thing of value from a lobbyist when such County official or employee, as specified above, knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist.

**Sec. 2-708. Cone of Silence.**

(a) *Cone of silence* means a prohibition on any communication, except for written correspondence, regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:

(1) Any person or person's representative seeking an award from such competitive solicitation; and

(2) Any County Commissioner or Commissioner's staff, or any County employee authorized to act on behalf of the Commission to award a particular contract.

(b) For the purpose of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist; or any actual or potential subcontractor or consultant of the person.

(c) The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. Each request for proposal, request for qualification, bid, or any other competitive solicitation shall provide notice of the cone of silence requirements and refer to this article.

(d) The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meetings, presentations made to the Board, and protest hearings. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence at any time with any employee, County Commissioner, or advisory board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.

1 (e) The cone of silence shall not apply to any purchases made in an amount less than  
2 the competitive bid threshold of \$20,000.00, as set forth in Leon County Purchasing Policy No.  
3 96-1, as amended.

4 (f) The cone of silence shall terminate at the time the Board, or a County department  
5 authorized to act on behalf of the Board, awards or approves a contract, rejects all bids or  
6 responses, or otherwise takes action which ends the solicitation process.

7 **Sec. 2-709. Penalties.**

8 The penalties for an intentional violation of this article are those specified in § 125.69(1),  
9 Florida Statutes, as it may be amended or renumbered from time to time, and shall be  
10 supplemental to the penalties set forth in Section 1-9 of this Code.

11 **Section 2. Severability.** If any provisions or portions of this Ordinance are declared by  
12 any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all  
13 remaining provisions and portions of this Ordinance shall remain in full force and effect.

14 **Section 3. Effective Date.** This ordinance shall have effect upon becoming law.  
15

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,  
Florida this \_\_\_\_\_ day of \_\_\_\_\_, 20

LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
C. E. DePuy, Jr., Chairman  
Board of County Commissioners

ATTESTED BY:  
BOB INZER, CLERK OF THE COURT  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Bob Inzer, Clerk of Court  
Leon County, Florida

APPROVED AS TO FORM:  
COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Herbert W. A. Thiele, Esq.  
County Attorney

COUNTY LOBBYING ORDINANCES					
County	Ordinance/Regulation	Annual Registration	Sign in Before Meeting with Commissioners/Staff	Expense Report	County Imposed Sanctions/Fines
Alachua	No				
Baker					
Bay					
Bradford					
Brevard					
Broward	Yes	No	Yes	Yes	No
Calhoun					
Charlotte	No				
Citrus					
Clay	No				
Collier	Yes	Yes	No	No	Yes
Columbia	No				
DeSoto	No				
Dixie					
Duval					
Escambia	No				
Flagler					
Franklin					
Gadsden					
Gilchrist	No				
Glades					
Gulf					
Hamilton					
Hardee					
Hendry	No				
Hernando					
Highlands					
Hillsborough					
Holmes					
Indian River	No				
Jackson					
Jefferson					

COUNTY LOBBYING ORDINANCES					
County	Ordinance/Regulation	Annual Registration	Sign In Before Meeting with Commissioners/Staff	Expense Report	County Imposed Sanctions/Fines
Lafayette	No				
Lake	Yes	Yes	Yes	Yes	Yes
Lee	Yes	Yes	No	No	Yes
Levy	No				
Liberty					
Madison					
Manatee					
Marion					
Marlin					
Miami-Dade	Yes	Yes	No	Yes	Yes
Monroe					
Nassau	No				
Okaloosa	No				
Okeechobee	Yes	Yes	Yes	Yes	Yes
Orange	Yes	Yes	Yes	No	Yes
Osceola	Yes	Yes	Yes	Yes	Yes
Palm Beach	Yes	Yes, but not annually			
Polk	Yes				
Putnam	No				
St. Johns					
St. Lucie					
Santa Rosa					
Sarasota	No				
Seminole	No				
Sumter	No				
Suwannee					
Taylor					
Union					
Volusia					
Wakulla					
Walton	No				
Washington					

Emily Long - lobby reform proposal

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From: "Ben Wilcox"  
To:  
Date: 9/4/2007 12:16 PM  
Subject: lobby reform proposal  
Attachments:

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Hello Mr. Thiele,

I'm attaching a proposed lobby reform ordinance that is submitted by Common Cause Florida and the League of Women Voters of Tallahassee. We would appreciate it if it could be considered at the September 11<sup>th</sup> workshop on lobby reform. If you need further information or have any questions you can call me at (850) 544-4448. Thank you very much.

Ben Wilcox  
Common Cause Florida



LOBBYIST REFORM INITIATIVE

Submitted on Tuesday September 11, 2007 for consideration by the Board of  
County Commissioners of Leon County, Florida.

ORDINANCE NO. 07-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
LEON COUNTY, FLORIDA, AMENDING CHAPTER 2 OF THE CODE  
OF LAWS OF LEON COUNTY, FLORIDA, BY ADDING A NEW  
ARTICLE ENTITLED "LOBBYIST REGULATIONS"; PROVIDING  
FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE  
DATE.

WHEREAS, the Board of County Commissioners desires to adopt an  
ordinance to provide for regulations for lobbyists who appear before Leon  
County government;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY,  
FLORIDA, THAT:

Section 1. Chapter 2 of the Code of laws of Leon County, Florida, is  
hereby amended by adding a new Article XII entitled "Lobbyist Regulations,"  
which shall read as follows:

ARTICLE XII. LOBBYIST REGULATIONS

Sec. 2-700 Definitions.

(a) *Lobbying* means communications outside a duly noticed public meeting  
or hearing on the record, whether written or oral by a lobbyist, with any

1 member or members of the Board of County Commissioners, or any member or  
2 members of any decision-making body under the jurisdiction of the Board, or  
3 any county employee, whereby the lobbyist seeks to encourage or influence the  
4 passage, defeat, modification, or repeal of any item which may be presented  
5 for vote before the Board of County Commissioners, or any decision-making  
6 body under the jurisdiction of the Board, or which may be presented for  
7 consideration by a county employee as a recommendation to the Board or  
8 decision-making body.

9 (b) *Lobbyist* means any person, firm, corporation or other legal entity  
10 who is employed and receives payment, or who contracts for economic  
11 consideration in any form for the purpose of lobbying, or a person who is  
12 principally employed for, or whose substantial duties pertain to governmental  
13 affairs communications for another person or governmental entity to lobby on  
14 behalf of that person or governmental entity and engages in the activity of  
15 lobbying as defined in this article.

16 (c) *Lobbying firm* means any business entity, including an individual  
17 contract lobbyist, that receives compensation or becomes entitled to receive  
18 any compensation for the purpose of lobbying, where any partner, owner,  
19 officer, or employee of the business entity is a lobbyist.

20 (d) *Principal* means the person, partnership, joint venture,  
21 association, corporation, governmental entity or other entity which has  
22 contracted for, employed, retained or otherwise engaged the services of a  
23 lobbyist.

24 (e) *Compensation* means a payment, distribution, loan, advance,  
25 reimbursement, deposit, salary, fee, retainer, or anything of value provided

1 or owed to a lobbying firm, directly or indirectly, by a principal for any  
2 lobbying activity.

3 (f) *Decision-making body* means any body established by the Board of  
4 County Commissioners.

5 **Sec. 2-701 Registration of lobbyists.**

6 (a) All lobbyists as defined herein, shall register with the Clerk of  
7 the Court of the Board of County Commissioners on an annual basis on payment  
8 of a \$25 fee. Every unregistered lobbyist shall register prior to the first  
9 occasion such unregistered lobbyist engages in lobbying as defined in this  
10 article. If and when a lobbyist commences representation of any principal for  
11 which the lobbyist has not registered pursuant to this article, such lobbyist  
12 shall register with respect to that principal prior to lobbying on their  
13 behalf. No lobbyist shall be required in any year to pay more than \$25 to  
14 register, regardless of the number of principals represented.

15 (b) The forms prescribed for the registration of lobbyists shall  
16 require, at a minimum, the following information: The lobbyist shall state  
17 their name, business address, the name and business address of each principal  
18 represented and the specific areas of the principal's governmental interest.  
19 The lobbyist shall also disclose any business, professional or familial  
20 relationship that the lobbyist or any employee of the lobbyist may have with  
21 any member of the Board of County Commissioners, any staff member to a County  
22 Commissioner, the County Administrator, or the County Attorney or any person  
23 sitting on a decision-making body that is created by Florida Law, and under  
24 the jurisdiction of the Board of County Commissions. Failure to register as  
25

required herein, or any false information contained in the lobbyist registration form, shall be a violation of this article.

Sec. 2-702 Disclosure of Lobbyist Compensation. Each lobbying firm shall file a compensation report with the Clerk of the Court of the Board of County Commissioners for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal.

(a) The reports shall include the:

(1) Full name, business address and telephone number of the lobbying firm;

(2) Name of each of the firm's lobbyists; and

(3) Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

(b) For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

(1) Full name, business address, and telephone number of the principal; and

(2) Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$4,999; \$5,000 to 9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of

1 compensation must be reported, rounded up or down to the nearest  
2 \$1,000.

3 (c) The reporting statements shall be filed no later than 45 days after  
4 the end of each reporting period. The four reporting periods are from January  
5 1 through March 31, April 1 through June 30, July 1 through September 30, and  
6 October 1 through December 31, respectively. The statements shall be filed by  
7 electronic means and shall be rendered in the identical form provided by the  
8 Clerk of the Court of the Board of County Commissioners and shall be open to  
9 public inspection. The Clerk of the Court shall make all data filed available  
10 on the internet in an easily understood and accessible format.

11 Sec. 2-703. Gift Restrictions. Notwithstanding s. 112.3148, s. 112.3149, or  
12 any other provision of law to the contrary, no lobbyist or principal shall  
13 make, directly or indirectly, and no member or employee of the Board of  
14 County Commissioners shall knowingly accept, directly or indirectly, any  
15 expenditure.

16 Sec. 2-704 Cone of Silence

17 (a) *Cone of silence* means a prohibition on any communication, except  
18 for written correspondence, regarding a particular request for proposal,  
19 request for qualification, bid, or any other competitive solicitation  
20 between:

21 (1) Any person or person's representative seeking an award from  
22 such competitive solicitation; and

23 (2) Any county commissioner or commissioner's staff, or any  
24 employee authorized to act on behalf of the commission to award a  
25 particular contract.

1 (b) For the purposes of this section, a person's representative shall  
2 include but not be limited to the person's employee, partner, officer,  
3 director, consultant, lobbyist, or any actual or potential subcontractor or  
4 consultant of the person.

5 (c) The cone of silence shall be in effect as of the deadline to submit  
6 the proposal, bid, or other response to a competitive solicitation. Each  
7 request for proposal, request for qualification, bid, or any other  
8 competitive solicitation shall provide notice of cone of silence requirements  
9 and refer to this article.

10 (d) The provisions of this article shall not apply to oral  
11 communications at any public proceeding, including pre-bid conferences, oral  
12 presentations before selection committees, contract negotiations during any  
13 public meeting, presentations made to the board, and protest hearings.  
14 Further, the cone of silence shall not apply to contract negotiations between  
15 any employee and the intended awardee; any dispute resolution process  
16 following the filing of a protest between the person filing the protest and  
17 any employee, or any written correspondence at any time with any employee,  
18 county commissioner, or advisory board member or selection committee member,  
19 unless specifically prohibited by the applicable competitive solicitation  
20 process.

21 (e) The cone of silence shall not apply to any purchases made in an  
22 amount less than the competitive bid threshold of \$20,000.00, as set forth in  
23 the Leon County Purchasing Policy No. 96-1, as amended.

24 (f) The cone of silence shall terminate at the time the Board, or a  
25 County department authorized to act on behalf of the Board, awards or

1 approves a contract, rejects all bids or responses, or otherwise takes action  
2 which ends the solicitation process.

3 Sec. 2-705. Penalties. The penalty for a violation of this article is up to a  
4 \$500 fine. For a lobbyist as defined herein, the penalty for a violation of  
5 this article shall also include a prohibition from lobbying for a period of  
6 time. The penalty for a first offense is that the lobbyist shall cease  
7 lobbying activities for a 6 month period. The penalty for a second offense is  
8 that the lobbyist shall cease lobbying activities for a 1 year period. The  
9 penalty for a third and subsequent offense is that the lobbyist shall cease  
10 lobbying activities for a two year period. The County Administrator, or his  
11 or her designee, is authorized to investigate any alleged violations of the  
12 provisions of this section, and to enforce the provisions of this section.

13 Section 2. Severability. If any provisions or portion of this Ordinance  
14 is declared by any court of competent jurisdiction to be void,  
15 unconstitutional, or unenforceable, then all remaining provisions and  
16 portions of this Ordinance shall remain in full force and effect.

17 Section 3. Effective Date. This Ordinance shall have effect upon  
18 becoming law.  
19  
20  
21  
22  
23  
24  
25